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Attorneys for DORA BAIRES, individually, and
on behalf the estate of JUAN CARLOS
BAIRES; and Teofilo MIRANDA, an
individual.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DORA BAIRES, et al.,

Plaintiffs,

vs.

THE UNITED STATES OF AMERICA; et al.,

Defendants.

No.: C 09-05171 CRB

**STIPULATION AND ~~PROPOSED~~
ORDER RE PLAINTIFFS' THIRD
AMENDED COMPLAINT**

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STIPULATION AND ~~PROPOSED~~ ORDER

Plaintiffs Dora Baires and Teofilo Miranda (“Plaintiffs”); Defendants United States of America, the Department of Homeland Security, United States Immigration and Customs Enforcement, the Division of Immigration Health Services, the Office of Detention and Removal, John P. Torres, James T. Hayes, Nancy Alcantar, Timothy Aitken, and Brian Myrick; and Defendants the County of Kern, Kern County Sheriff’s Department, Kern Medical Center, Lerdo Detention Facility, Donald Youngblood, and Khosrow Mostofi, M.D., (“Kern County Defendants”) (“Federal Defendants” and “Kern County Defendants” collectively herein “Defendants”), through their respective counsel of record, hereby agree and stipulate as follows:

1. Whereas, Plaintiffs filed their original complaint in this Action on October 30, 2009.
2. Whereas, Plaintiffs filed their First Amended Complaint on May 4, 2010.
3. Whereas, on September 8, 2010, the Court granted the Federal Defendants’ Motions to Dismiss Plaintiffs’ First Amended Complaint.
4. Whereas, on November 5, 2010, Plaintiffs filed their Second Amended Complaint.
5. Whereas, the Federal Defendants moved to dismiss the Second Amended Complaint, and on May 6, 2011, the Court issued an Order granting in part and denying in part the Federal Defendants’ Motions, without prejudice (“Order”).
6. Whereas, Plaintiffs now seek to file their Third Amended Complaint.
7. Whereas, the parties wish to set July 6, 2011, as the deadline to file the Third Amended Complaint to allow the Federal Defendants to produce any documents identified by the Court in its Order by June 6, 2011, and to allow Plaintiffs to review these documents.

IT IS HEREBY STIPULATED AND AGREED, by and between the parties through their respective counsel of record, that:

Plaintiffs may amend their complaint and file their Third Amended Complaint by or before July 6, 2011. Defendants shall have thirty (30) days to respond to the Third Amended Complaint after filing, provided that no new Federal Defendants are named. If Plaintiffs name new Federal Defendants, the Federal Defendants shall have sixty (60) days to respond to the Third Amended Complaint after filing.

IT IS SO STIPULATED.

DATED: June 1, 2011.

REED SMITH LLP

By /s/ Katie B. Annand
Katie B. Annand
Attorneys for Plaintiffs

DATED: June 1, 2011.

MELINDA HAAG

By /s/ Abraham A. Simmons
Abraham A. Simmons Assistant United States
Attorney
Attorneys for Federal Defendants

DATED: June 1, 2011.

THERESA A GOLDNER, COUNTY COUNSEL

By /s/ Marshall S. Fontes
Marshall S. Fontes, Deputy County Counsel
Attorneys for Kern County Defendants

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~~PROPOSED~~ ORDER

IT IS HEREBY ORDERED, upon the consent of the parties, that Plaintiffs shall file their Third Amended Complaint no later than July 6, 2011.

DATED June 3, 2011.

Honorable Charles R. Breyer
United States District Court Judge

